

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5372

AN ORDINANCE amending Sections 20.25A.020A.2, 20.25A.020B, 20.25A.060, 20.25A.065C, 20.25A.090D.2, 20.25A.090D.3, and 20.25A.100E.7 and establishing an effective date.

WHEREAS, amendments to the Downtown provisions of the Land Use Code are necessary to achieve desirable building forms, particularly in mid-rise buildings; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN
AS FOLLOWS:

Section 1. Section 20.25A.020A.2 is hereby amended as follows: (see following page)

Chart 20.25A.020.A.2

Dimensional Requirements in Downtown Districts

Downtown Land Use District	Building Type (7)(14)	Minimum Setback (3)(9)			Maximum Building Floor Area per Floor Above 40' (5)(18)(24)(9)	Maximum Building Floor Area Per Floor Above 80' (5)(18)(24)	Maximum Lot Coverage (11)	Building Height (6)(17)		Floor Area Ratio (16)	
		Front (1)(15)	Rear (25)	Side (25)				Basic	Max.	Basic (10)	Max. (8)
DNTN-O-1	Nonresidential	0(2)	0/20'	0/20'	24,000 gsf/f	24,000 gsf/f	100%	200'	300'(13)	5.0	8.0(12)
	-Diminishing (22)				30,000 gsf/f	24,000 gsf/f					
	Residential	0(2)	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	200'	450'	5.0	None
	Parking	0(2)	0/20'	0/20'	20,000 gsf/f	20,000 gsf/f	100%	100'	100'	N/A	N/A
DNTN-O-2	Nonresidential	0(2)	0/20'	0/20'	24,000 gsf/f	24,000 gsf/f	100%	150'	250'(13)	4.0	6.0(12)
	-Diminishing (22)				30,000 gsf/f	24,000 gsf/f					
	Residential	0(2)	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	150'	250'(13)	4.0	6.0(12)
	Parking	0(2)	0/20'	0/20'	20,000 gsf/f	20,000 gsf/f	100%	100'	100'	N/A	N/A
DNTN-MU	Nonresidential	0	0/20'	0/20'	22,000 gsf/f	20,000 gsf/f	100%	60'	100'	0.5	3.0
	-Diminishing (22)				30,000 gsf/f (23)	22,000 gsf/f					
	Residential	0	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f(21)	100%	150'	200'	2.0	5.0
	Parking	0	0	0	20,000 gsf/f	N/A	75%	60'	60'	N/A	N/A
DNTN-R (20)	Nonresidential	0	0	0	20,000 gsf/f	12,000 gsf/f	75%	60'	65'	0.5	0.5
	Residential	0	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	150'	200'	2.0	5.0
	Parking	0	0	0	N/A	N/A	N/A	40'	40'	N/A	N/A
DNTN-OB (20)	Nonresidential	0(4)	0/20''	0/20'	20,000 gsf/f	12,000 gsf/f	100%	60'	100'	0.5	1.0
	Residential	0(4)	0/20''	0/20'	20,000 gsf/f	12,000 gsf/f	100%	150'	200'	2.0	5.0
	Parking	0	0	0	N/A	N/A	75%	40'	40'	N/A	N/A
DNTN-OLB (20)	Nonresidential	20'(19)	20'(19)	0/20'	22,000 gsf/f	N/A	60%	75'	75'	0.5	3.0
	-Diminishing (22)				30,000 gsf/f (23)	N/A					
	Residential	20'(19)	20'(19)	0/20'	20,000 gsf/f	12,000 gsf/f	75%	75'	90'	2.0	3.0
	Parking	20'(19)	20'(19)	0	20,000 gsf/f	N/A	75%	45'	45'	N/A	N/A

gsf/f = Gross Square Feet Per Floor (24)

Notes: Dimensional requirements in Downtown Districts

- (1) Measured from inside edge of the required perimeter sidewalk. If existing utilities which cannot reasonably be relocated require the planting of street trees on the property side of a sidewalk as provided for in LUC 20.25A.060, four feet is added to the required setback.
- (2) No parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building.
- (3) Minimum setbacks are subject to required landscape development. See LUC 20.25A.040.
- (4) The maximum setback from Main Street in the Downtown-OB District is 0 feet.
- (5) For floors above 40 feet, gross square feet per floor may be averaged unless an applicant takes advantage of the diminishing floor plates alternative described in Note (22).
- (6) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. The maximum height identified in this chart may be increased by no more than 10 percent or 15 feet, whichever is greater, if the applicant demonstrates that the increase is necessary for reasonable development of the structure and will be used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other such decorative architectural features.
- (7) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC 20.50.020 for the definition of "gross floor area."
- (8) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (7).
- (9) See subsection B of this section for exceptions to the minimum setback and Maximum Building Floor Area per Floor Above 40' requirements.
- (10) All new development and all substantial remodels must participate in the FAR Amenity Incentive System. See subsection C of this section for amenity requirements regarding the provision of basic floor area.
- (11) Exceptions to Lot Coverage.
 - (a) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.

- (b) Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating lot coverage; provided, that the rooftop of the building shall be landscaped consistent with the planting requirements for the specific use that is proposed for the building roof area and for the land use district in which the use is located, or shall be developed with pedestrian improvements, such as plazas and walkways, as approved by the Director. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable.
- (12) Except within the Perimeter Design District, the maximum Floor Area Ratio may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1. The maximum Floor Area Ratio may only be exceeded by the amount provided for under the major pedestrian corridor amenity bonus, LUC 20.25A.030.C.16.
- (13) Except within the Perimeter Design District, the maximum height may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1, and only to the extent required to accommodate the additional Floor Area Ratio provided under LUC 20.25A.030.C.16. Heights may be exceeded under this provision only to the extent depicted on the map entitled "Heights in Core Design District" in LUC 20.25A.030.E.
- (14) Except as set forth in Note (18), hotels and motels shall be considered as residential structures.
- (15) If the subject property abuts a street classified pursuant to LUC 20.25A.115, Design Guidelines - Building/Sidewalk Relationships, the maximum setback is 0 feet unless otherwise approved by the Director of Design and Development.
- (16) Floor area devoted to retail uses in fulfillment of the requirements of LUC 20.25A.115, Design Guidelines - Building/Sidewalk Relationships, will not be counted for the purpose of calculating FAR.
- (17) Except within the Perimeter Design District, the maximum building height can be exceeded if right-of-way is dedicated as provided by subsection D of this section but only to the extent of the floor area earned as a result of the dedication. This provision does not preclude the applicability of Note (6) but in no event may the combined effect of applying that note and this note be to increase the building height over the maximum building height by more than 10 percent or 15 feet, whichever is greater.
- (18) For the purposes of determining Maximum Building Floor Area per Floor, including the averaging and diminishing floor plate methods described in Notes (5) and (22),, hotels and motels shall be considered as nonresidential structures.

- (19) No parking or vehicle access lane is permitted between the sidewalk on 112th Avenue NE and the main pedestrian entrance to the building, except that a drop-off lane may be permitted for a hotel or motel entrance. The maximum setback from 112th Avenue NE is 30 feet, unless a greater setback is approved by the Director of the Department of Planning and Community Development to permit a drop-off lane. See paragraph B.3 of this section for exceptions to setback requirements.
- (20) Some dimensions are different for properties located in the Perimeter Design District. For property within 1,200 feet of the north, south or west boundary of the Downtown, see LUC 20.25A.090 for the Perimeter Design District requirements.
- (21) Applicable only to building floors above 100 feet in height.
- (22) Diminishing floor plate: A nonresidential building can exceed the Maximum Floor Area Per Floor applicable to floors located between 40 and 80 feet, to a maximum of 30,000 square feet, if the building incorporates two floor plates which are each at least 20 percent smaller than the floor plate of the floor below it. If only one floor of a nonresidential building exceeds the Maximum Floor Area Per Floor, the building must incorporate one floor plate which is at least 20 percent smaller than the floor plate of the floor below it. Exposed roof area at the level of the diminished floor must have some amount of landscaping and be physically accessible for use; or if not a flat surface, must provide a visually interesting roof form.
- (23) Not applicable to Perimeter Design Subdistricts A and B.
- (24) Gross Square Feet Per Floor (gsf/f) refers to the floor area in square feet within the surrounding exterior walls measured from the interior wall surface and including openings in the floor plate such as vent shafts, stairwells, and interior atriums.
- (25) Where building height exceeds 75 feet, there shall be a minimum side setback of 20 feet and a minimum rear setback of 20 feet from any interior property line applicable to all floors above 40 feet.

Section 2. Section 20.25A.020B is hereby amended as follows:

20.25A.020B. Exceptions to Dimensional Requirements.

- 1. For residential buildings, the Maximum Floor Area Per Floor above 40 feet may be increased by not more than 10 percent through Design Review, Part 20.30F LUC, if the applicant demonstrates that the increase is necessary for reasonable development of the building, and will not have a significant adverse effect on other properties. Each square foot of floor area above the maximum requires a proportionate square footage of amenity in conformance with LUC 20.25A.030.C;

however, the amenity area provided under this requirement may not be used to exceed the basic floor area ratio.

2. Marquees or awnings which comply with the requirements of LUC 20.25A.030.C are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director of the Department of Planning and Community Development notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.
3. The Director of the Department of Planning and Community Development may approve an intrusion in o the 20-foot front yard setback from the east side of 112th Avenue NE in the Downtown-OLB District to permit the location of pedestrian-oriented frontage retail uses within a portion of the required setback area. The intrusion shall be limited to a maximum of 30 percent of the required front yard setback area. All building areas within the setback areas shall be devoted to pedestrian-oriented uses and meet the design criteria of LUC 20.25A.030 for pedestrian-oriented frontage. Amenity floor area earned may be used to exceed the permitted basic floor area ratio.
4. For buildings on streets designated “A” or “B” in “Design Guidelines – Building/Sidewalk Relationships,” the applicable limitation of Maximum Floor Area Per Floor may be modified through design review to apply to floor area above 45 feet. In this case, the applicant must demonstrate that the modification is necessary for creating higher, more prominent and distinctive ground-level pedestrian-oriented frontage; and the minimum retail floor height shall be 16 feet.
5. The Director may allow modifications to the minimum side and rear setback required above 40 feet for buildings with a building height in excess of 75 feet if:
 - a. The applicant can demonstrate that the resulting design will be more consistent with the design review criteria of 20.25A.110, and
 - b. The building design, with the modification, will create sufficient spacing between towers to encourage a feeling of an open and airy Downtown.
6. For structures that do not exceed 65 feet in height as defined by the Uniform Building Code, as adopted by the City of Bellevue pursuant to BCC Chapter 23.10, now or as hereafter amended, the Director may allow the connection of floor plates above 40 feet such that the floor plates above 40 feet exceed the Maximum Floor Area per Floor set forth in 20.25A.020A; provided that:
 - a. The connection is to allow for safe and efficient building exiting patterns. The connecting floor area shall include required exiting corridor area and may include the floor area of units or other building uses;
 - b. The connection occurs on no more than three floor levels above 40 feet; and

- c. The alternative design results in a building mass that features separate and distinct building elements.

Section 3. Section 20.25A.060 is hereby amended as follows:

20.25A.060 Walkways and sidewalks, perimeter.

A. Minimum Width.

1. The minimum width of perimeter walkway or sidewalk is 12 feet plus four feet in which street trees are to be planted plus six inches curb along:
 - a. Bellevue Way between NE 4th and NE 8th; and
 - b. NE 6th between 110th Avenue NE and 112th Avenue NE; and
 - c. 106th Avenue NE between NE 4th and NE 8th; and
 - d. 108th Avenue NE between NE 4th and NE 8th; and
 - e. 110th Avenue NE between NE 4th and NE 8th; and
 - f. NE 4th between Bellevue Way and 112th Avenue NE; and
 - g. NE 8th between Bellevue Way and 112th Avenue NE.
2. The minimum width of a perimeter walkway or sidewalk, excluding the area required for street trees in paragraph B.2 of this section, is eight feet plus four feet in which street trees are to be planted plus six inches curb along any other street.

B. Street Trees Required.

1. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.040, according to the requirements of Plate B, and this section, or as approved by the Director, unless upon the request of the applicant, minor modification is approved by the Director.
2. The area in which street trees are planted must be at least four feet wide, and located between the street improvement and the walkway or sidewalk unless precluded by existing utilities which cannot reasonably be relocated. Any street tree planting area must be at least four feet by six feet or five feet by five feet or smaller area as approved by the Director, unless upon request of the applicant minor modification of this requirement is approved by the Director, and protected by an approved decorative grate. This grate may intrude into the sidewalk.

3. Street trees, at least three inches in caliper or as approved by the Director, must be planted at least three feet from the street curb, and a maximum of 25 feet on center, unless upon request of the applicant minor modification of this requirement is approved by the Director, and conforms to the sight distance requirements of BCC 14.60.240. A street tree planting area may also include decorative paving and other plant materials except turf.

Section 4. Section 20.25A.065C is hereby amended as follows:

20.25A.065C. Development Standards.

All provisions of this Part 20.25A shall apply to this district, with the following exceptions:

1. Within the Civic Center Design District, maximum lot coverage may be up to 100 percent for buildings in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: cultural facilities, conference facilities and exhibition facilities.
2. Within the Civic Center Design District, the building floor area per floor above 40 feet high may be unlimited for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: cultural facilities, conference facilities and exhibition facilities.
3. Building types listed in paragraphs C.1 and C.2 of this section should incorporate special design features as described below:
 - a. Building facades should be divided into increments through the use of offsets, facets, recesses or other architectural features which serve to break down the scale. Roof forms should incorporate terraces, planting areas, decorative features, or other elements to soften the rectilinear profile.
 - b. Special attention should be given to the provision of elements at or near the ground level such as awnings, recessed entries, water features, address signs, seasonal flower beds, seating, pedestrian-oriented uses and display kiosks.
4. Nothing in these provisions shall affect the maximum floor area ratios permitted for the underlying land use districts.
5. Within the Civic Center Design District, the minimum side and rear setback required above 40 feet for all buildings with a building height in excess of 75 feet may be eliminated for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: cultural facilities, conference facilities and exhibition facilities.

Section 5. Section 20.25A.090D.2 is hereby repealed:

Section 6. Section 20.25A.090D.3 is hereby amended as follows:

2. Perimeter Design District Dimensional Requirements. Dimensional requirements for properties within the Perimeter Design District shall be regulated by the chart set forth in this Section 20.25A.090D, provided that dimensional requirements from the "Dimensional Requirements in Downtown Districts" chart set forth in LUC 20.25A.020A.2 shall apply for dimensions not regulated in the following chart:

Perimeter Subdistrict	Building Type ⁵	Minimum Setback from the DNTN Boundary ^{1,4,10}	Max. Lot Coverage	Building Height ²		Floor Area Ratio ³	
				Basic	Max.	Basic	Max.
Subdistrict A	Nonresidential	20'	75% ⁶	30'	40'	.5	1.0 in DNTN-MU 1.0 in DNTN-OB .5 in DNTN-R
	Residential	20'	75% ⁶	30'	55'	2.0	3.5
	Parking	20'	75%	30'	40' ⁹	N/A	N/A
Subdistrict B	Nonresidential	N/A	75% ⁶	30'	65'	.5	1.5 in DNTN-MU 1.0 in DNTN-OB .5 in DNTN-R
	Residential	N/A	75% ⁶	45'	90'	2.0	5.0
	Parking	N/A	75%	40'	40'	N/A	N/A
Subdistrict C	Nonresidential	N/A	75%	30'	100' ⁷	.5	3.0' ⁷
	Residential	N/A	100%	150'	200'	2.0	5.0
	Mixed Use ⁸	N/A	75%	30'	100' ⁷	.5	3.0' ⁷
	Parking	N/A	75%	40'	40'	N/A	N/A

Notes: Perimeter Design District Dimensional Requirements:

- (1) Measured from inside edge of required perimeter sidewalk, if applicable. If existing utilities which cannot reasonably be relocated result in the planting of street trees on the property side of a sidewalk as provided for in LUC 20.25A.060, four feet is added to the required setback.

- (2) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. Except in Subdistrict A, the maximum height may be exceeded by no more than 10 percent or 10 feet, whichever is less, and only if the additional height is used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other decorative architectural features. In Subdistrict C, the maximum building height may be increased by no more than 15 percent if an interesting roof form is provided and if the applicant demonstrates that added height is necessary for provision of the neighborhood services listed in paragraph D.4 of this section.
- (3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (8) and LUC 20.25A.020.A.2, Note (7). See LUC 20.25A.070.D for FAR requirements in Old Bellevue.
- (4) See LUC 20.25A.020.B for exceptions to minimum setback requirements.
- (5) Notwithstanding any other provisions of this Code, in Subdistricts A and B, hotels and motels shall be considered as nonresidential structures, and in Subdistrict C they shall be considered as residential structures.
- (6) The maximum lot coverage in Downtown-OB is 100 percent.
- (7) In Subdistrict C, the FAR amenity system in LUC 20.25A.030 may be used to achieve building height not to exceed 65 feet and FAR not to exceed 1.5. The maximum nonresidential FAR of 3.0 and maximum nonresidential 100-foot height may only be achieved through participation in the special bonus provisions in paragraph D.7 of this section.
- (8) Mixed use building type is applicable only in Perimeter District Subdistrict C. See paragraph D.7.d of this section for special provisions of the mixed use building type.
- (9) A parking structure may achieve the maximum permitted height if the development of the project limit area which contains the parking structure provides a bonusable amenity through participation in the FAR Amenity Incentive System, LUC 20.25A.030.
- (10) On lots that are bisected by the Downtown boundary, the Director may allow the minimum setback from the Downtown boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown boundary. The modification must be consistent with the Perimeter District purpose statement contained in subsection B of this section. This provision may be used to modify only the setback location and not the minimum setback size.

Section 7. Section 20.25A.100E.7 is hereby amended as follows:

20.25A.100E Downtown Core Design District Guidelines.

7. Upper Level Stepback. Each building facade within the Core Design District facing NE 4th, NE 8th and 104th Avenue NE must incorporate a minimum 20-foot deep stepback at a height between 25 feet and the level of the first floorplate above 40 feet. This required stepback may be modified or eliminated if the applicant demonstrates through Design Review (Part 20.30F LUC) that: (a) such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot, or (b) the modification is necessary to achieve design elements or features encouraged in this Section 20.25A.100 or the provisions of Section 20.25A.110 and the modification does not interfere with preserving view corridors. Where a modification has been granted under LUC 20.25A.020B.4, the upper level stepback may be incorporated between 5 feet and the level of the first floorplate above 45 feet.

Section 8. This ordinance shall take effect and be in force five (5) days after passage by the City Council.

PASSED by the City Council this 3rd day of June, 2002, and signed in authentication of its passage this 3rd day of June, 2002.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published June 7, 2002